

1 **Sean E. Brearcliffe, Judge**
2 **Dean Christoffel, Commissioner**
3 **T. Kenneth Sanders, Commissioner**
4 **Lee Roads, Hearing Officer**
5 **ARIZONA SUPERIOR COURT**
6 **IN PIMA COUNTY**
7 **110 W. Congress St.**
8 **Tucson, Arizona 85701**
9 **(520) 724-3029**

10 **THE SUPREME COURT OF THE STATE OF ARIZONA**

11
12 **PETITION TO AMEND RULE 47,**
13 **ARIZONA RULES OF FAMILY**
14 **LAW PROCEDURE**

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16 } **Supreme Court No. R-13-0056**
17 } **COMMENT IN SUPPORT OF**
18 } **PETITION**

19 The undersigned judicial officers serve on the Family Law Bench of the
20 Arizona Superior Court in Pima County. Pursuant to Rule 28(D), Rules of the
21 Supreme Court of Arizona, we submit this Comment in support of the Petition to
22 amend Rule 47, Arizona Rules of Family Law Procedure.

23 A harmonization of Rule 47 with A.R.S. § 25-407 is needed, and the
24 proposed amendment accomplishes that harmonization. The change offered by the
25 Petition, though extending the time limits of Rule 47 by another 30 days in the
26 proposed 47(D)(2), has the unfortunate consequence of leaving other matters of
27 seemingly lesser importance with a higher priority than legal decision-making and
28

1 parenting time. Often support matters and property disputes are the subject of
2 temporary orders hearings. These matters will remain under Rule 47(D)(1), and
3 thus will still have to be set within 30 days of the filing of the request, even while
4 legal decision-making and parenting time issues can be put off for another month.
5 Because child support is greatly affected by parenting time orders, it makes little
6 sense to compel that an evidentiary hearing on child support orders be held within
7 30 days -- resulting in an assumption of a certain parenting time calculation -- only
8 then to have to revisit support in the event of a substantial change in parenting time
9 once parenting time temporary orders are issued a month later under the new 60-
10 day requirement.
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15 The undersigned, while in favor of the adoption of the proposed amendment
16 to Rule 47, suggests that additional language, as follows, be appended to proposed
17 Rule 47(D)(2):
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20 Where a temporary order regarding other matters, including matters of
21 child support and spousal maintenance, is sought at the time of the
22 request for temporary orders of legal decision-making and/or
23 parenting time, notwithstanding paragraph (D)(1) above, an
24 evidentiary hearing on those other matters may be held in conjunction
25 with the legal decision-making and parenting time evidentiary hearing
26 held pursuant to this subsection.

27 This additional language would permit the court to hold a unified hearing on legal
28 decision-making, parenting time and other matters, including of support.

Respectfully submitted this 20th day of May, 2014.

/s Sean E. Brearcliffe

/s Dean C. Christoffel

Sean E. Brearcliffe, Judge
Arizona Superior Court in
Pima County

Dean C. Christoffel, Commissioner
Arizona Superior Court in
Pima County

/s T. Kenneth Sanders

/s Lee Ann Roads

T. Kenneth Sanders, Commissioner
Arizona Superior Court in
Pima County

Lee Ann Roads, Hearing Officer
Arizona Superior Court in
Pima County

Electronic copy filed with the Clerk
of the Supreme Court of Arizona
this 20th day of May, 2014.

Copy of the foregoing sent by
Electronic mail this 20th day
of May, 2014, to:

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